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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,388	04/20/2001	Paul M. Cohen	42390P11040	2507

8791 7590 05/18/2006

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EXAMINER

MEI, XU

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,388

Applicant(s)

COHEN ET AL.

Examiner

Xu Mei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 15-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 03/01/2006.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6, 8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al (US-6,321,199, hereafter, Theimer).

Regarding claims 8 and 11, Theimer discloses an electronic device or an article (Fig. 1) comprising: a storage medium (memory 11) for storing instructions and processed voice

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parameters/value, per claim 11), the storage medium including stored instructions that, when executed by a processor (CPU 10), result in selecting a parameter for a network device (an organized list of options is being selected), receiving an analog voice signal (audio signal received from microphone 12) having a value (variation range of a variable characteristic of the analog voice) for the network parameter, determining the value from the analog voice signal, and associating said value with said parameter (variation range of a variable characteristic of the analog voice to be assigned in a defined manner to the predetermined options, i.e., network parameter in the list), see col. 4, lines 55-65 and col. 6, line 50-col 7, line 17.

Regarding claim 10, see col. 4, lines 55-58.

Regarding claim 12, an optical display unit 16 is shown by Theimer (see Fig. 1 and Col. 6, lines 6-14).

Claims 1, 3 and 5-6 are similar to claims 8, 10-12 except for being couched in method terminology; such methods would be inherent when the structure is shown in the references.

Regarding claim 4, the organized list of options disclosed by Theimer including for example an alphabetically organized list of names with associated telephone numbers or the like .

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(col. 4, lines 55-58). This list would have inherently including an IP address since a personal computer is in used.

4. Claims 2 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Claims 7 and 13-14 are allowable over prior art of record.

Response to Arguments

6. Applicant's arguments filed 03/01/2006 have been fully considered but they are not persuasive.

Applicant mainly argued that Theimer fails to disclose the claimed limitation of "receiving an analog voice signal having a value for said network parameter"; the Examiner disagrees. Theimer in Figures 7 and 8 shows the acoustic energy detected by the microphone (i.e., receiving an analog voice signal as claimed) and in col. 4, lines 55-65 and col. 6, line 50-col 7, line 17, where it discloses the variation range of a variable characteristic of the analog voice (i.e., voice signal detected by the microphone) to be assigned in a defined manner to the predetermined options, (i.e., network parameter as claimed) from

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which individual options or parameter values are intended to be selected according to the individual's sound characteristic or voice input. As explained above, the broadly claimed language of "receiving an analog voice signal having a value for said network parameter" clearly can be read on as stated in the rejection above by Theimer.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specification, page 4, lines 22-page 5, line 2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As these are the totality of arguments presented, and they have been found unpersuasive, the existing rejection is deemed appropriate.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on Monday-Friday (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Xu Mei
Primary Examiner
Art Unit 2615
05/12/2006